

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRELL ANTHONY STADBERRY,

Plaintiff,

Case Number: 09-14680

v.

HON. MARIANNE O. BATTANI

RESMAE HOME MORTGAGE CORP., et
al.,

Defendants.

/

ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

This matter is before the Court on Defendants Chase Home Finance LLC and US Bank NA, Trustee for JP Morgan Mortgage Acquisition Corp.'s Motion for Summary Judgment Pursuant to FED. R. Civ. P. 56 and/or Dismissal pursuant to FED. R. Civ. P. 12(b)(6) (Doc. No. 11). For the reasons stated on the record at a hearing held on October 21, 2010, the Court **GRANTS** the motion.

At the conclusion of the hearing, Defendants' counsel asked the Court to dissolve a Temporary Restraining Order entered November 25, 2009, in state court before this action was removed. By its terms, the order purports to remain in force until a hearing on a preliminary injunction occurred. Because Defendants removed the case to federal court before the state court hearing on the preliminary injunction, that hearing never occurred. Regardless of whether state or federal law governs the timing of the expiration of a temporary restraining order issued by a state court in a case subsequently removed to federal court, the TRO has expired. See Mich. Ct. R. 3.310(B)(3) (expiring 14 days after

issuance); FED. R. CIV. P. 65(b)(2) (expiring ten days after issuance). Accordingly, the request is moot.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: October 22, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served upon counsel of record on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
Case Manager